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Labor Relations and Federal Law, by Donald H. Wollett (1949)

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BOOK REVIEWS

LABOR RELATIONS AND FEDERAL LAW, by Donald H. Wollett. Seattle: University of Washington Press, 1949. Pp. 148.

In this excellent and timely little book Mr. Wollett has undertaken to expound for the intelligent layman that most controversial and rapidly changing field, labor law. With such a subject it is difficult for an author, no matter the laudable objectivity of his intentions, to maintain that detached and nonpolitical attitude which fair and just treatment of the subject demands. In this respect the author has outdone himself, and has provided full and unbiased discussion of both sides of each problem.

This discussion, however, is predicated upon eight premises, which are listed in the preface. Some of these premises may be repugnant to certain people, but it is apparently the author's idea that, repugnant or not, these premises are accomplished facts, here to stay, and, further, that he is not championing them, but merely reporting them as facts, with exactly the same inflexible bearing on the problem as the conceded fact of the contents of the statutes discussed. But it is at least dubious if several of the premises are not arguments, perhaps very good and sound ones, but nonetheless arguments and not accomplished or universally conceded facts. This somewhat colors the discussion by means of a subtle incorporation of the author's choices and prejudices in certain matters, and will necessarily affect the conclusions which the reader will draw from comparisons of the Wagner Act and the Taft-Hartley Act. By assuming that the N.L.R.B. should not be singled out for special procedural treatment, or that the administrative process is a more just device for achieving economic objectives which are in the public interest than criminal or civil law, or that the closed shop should not be destroyed by resort to conceptualistic arguments, the author has perhaps championed and espoused these causes. For it is possible to argue that the N.L.R.B. should be singled out for special procedural treatment, just as procedure in a criminal court differs from that in a juvenile court, or on the basis that the N.L.R.B., being concerned with more vividly contentious and bitter disputes than is, for example, the S.E.C. or the F.C.C., should be provided with special procedures for handling such disputes. Also, granted that the administrative process may be a more just process than the civil law, it isn't necessarily so, and cannot be so in all cases. As to the destruction of the closed shop by resort to conceptualistic arguments, since it is feared that not all of Mr. Wollett's readers, including the reviewer, are sure exactly what such arguments are, nothing can be said other than it seems that a great many people (*viz.*, the citizens of some twenty-one states) have, by argument conceptualistic or otherwise, been moved to adopt laws banning the closed shop.

Be that as it may, the reader is carefully warned in the preface, and throughout the book thereafter, of these premises of the author. The reader is first taken on a sort of before-and-after tour of the N.L.R.B., showing procedures and decisions under the Wagner Act and then comparing them, insofar as is possible at this early date, with similar functionings under the Taft-Hartley Act. When the Wagner Act solutions to a problem seem to be preferable to that of the 1947 act, the author rarely comes right out and says so, but rather permits the reader to draw his own inescapable conclusions. On the other hand, when an abuse which existed under the Wagner Act or a shortcoming of that act (which abuses and shortcomings seem to have been held down to a

minimum by the author) has been corrected by the Taft-Hartley Act, the author readily and openly concedes the superiority of that later enactment.

There is a rather extensive and provocative analysis of both the free speech aspects of picketing and the free speech problems of employers. The many facets of the various unfair labor practices are aptly and clearly brought out with actual cases, illustrations, and examples. The material on the underlying basis of jurisdiction and on the procedure and internal administration of the N.L.R.B., which most books rather tend to gloss over, is given interesting and complete treatment here. It must be obvious that it is difficult for a lawyer to attempt to explain the intricacies of legal procedure to the layman, and, although the going in this book may necessarily be somewhat rough at times, it is certainly as cogently and concisely presented as the subject matter will permit. In addition, the author has prepared two easily read charts of the organization of the N.L.R.B. under both the old and new acts so that the reader may refer to them for a quick bird's-eye comparison. Finally, there is a summary of the little-known and as yet little used private law and criminal law sections of the 1947 act.

All in all this book seems likely to achieve its avowed purpose—that of providing the electorate a guide with which to judge the wisdom of future labor legislation. It may be doubted somewhat if great numbers of the electorate are willing to go to the time and trouble required to even begin to appreciate the immense and complicated amount of precedent and statutory law behind even the most insignificant alteration in the wording of a statute, but for anyone so inclined this book cannot be bettered. For the attorney who does very little labor work, the book is an excellent and speedy refresher on the precise status of the law, and, since both the Wagner Act and the Taft-Hartley Act are reprinted in full in the appendix, the book may well provide the most convenient jumping-off place for more extensive research into any particular phase of a labor problem.

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